

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:06CR413CEJ(MLM)
)
LARRY F. SMITH,)
)
Defendant.)

ORDER

This matter is before the court on the Motion for Discovery with Memorandum in Support filed by defendant. [Doc. 26]

This court's Order Concerning Pretrial Motions which was given to the parties at the time of arraignment states specifically that "Each party may propound to the opposing party, and may file with the court any request for pretrial disclosure of evidence or information." **Motions for discovery are not to be filed.** Discovery is to be handled by a request to the government and only if the government refuses to provide the discovery will a motion for discovery be allowed.

The court's Order further states that "Any pretrial motions seeking a court order for the production of evidence or information from the opposing party and each motion to suppress evidence shall contain a statement of counsel that movant's counsel has personally conferred with counsel for the opposing party about the issue(s) raised in the motion(s) that there is a good faith belief that the information or evidence exists about which discovery is sought or which the defendant seeks to have suppressed and (for motions for disclosure) that the disclosure of such information or evidence has been refused by the opposing party. **Any such motion not having such attestation will not be considered or ruled by the court.**"

The pretrial Motion for Discovery filed by defendant is not in compliance with the court's Order Concerning Pretrial Motions and will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion for Discovery is **DENIED**. [Doc. 26]

/s/Mary Ann L. Medler

MARY ANN L. MEDLER

UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of July, 2006.